IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Roland Valdes, Jr. et al.	Examiner:	Edward J. Webman
Serial No.:	09/503,559	Group Art Unit:	1617
Filed:	February 11, 2000	Docket:	1160.003US1
Title:	DIHYDROOUABAIN-LIKE FACTOR AND DIAGNOSTIC & THERAPEUTIC COMPOSITIONS AND METHODS		

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Election

In response to the Restriction Requirement mailed September 25, 2001, Applicant elects, with traverse, the invention of claims 1-7 and 21-23 (Group I). Applicant notes that the Examiner did not place claims 8-9 in a Group, and submits that claims 8-9 properly belong in Group I. Therefore, the claims of Group I (claims 1-9 and 21-23) are directed to a purified mammalian dihydroouabain-like factor (Dh-OLF) having binding reactivity with antibody raised against plant-related dihydroouabain; a binding agent having affinity for such a factor; and a pharmaceutic composition comprising the factor or the binding agent and a pharmaceutically or veterinarily acceptable carrier. Applicant further notes that Groups II and III designated by the Examiner are identical. Therefore, Applicant presumes that the Examiner intended to only set forth a two-way restriction requirement.

With respect to the Examiner's requirement for an election of species, Applicant provisionally elects with traverse the species designated "a binding agent" recited in claims 21-23. Therefore, Applicant withdraws claims 10-20 and 24-34 from further consideration pursuant to 37 C.F.R. §1.142(b), but Applicant specifically reserves the right to file a divisional application at a later date to reintroduce these claims.

Remarks

Reconsideration of the Restriction Requirement in view of the remarks presented below is respectfully requested. The Restriction Requirement is traversed on the basis that restriction requirements are optional in all cases. M.P.E.P. §803. If the search and examination of an entire